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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/929,326 | 08/14/2001 | Ryuzo Tamayama | 7217/65194 | 8650 |
| 7590 06/15/2005 | | | | |
| COOPER & DUNHAM LLP 1185 Avenue of the Americas New York, NY 10036 | | | EXAMINER FAULK, DEVONA E | |
| | | | ART UNIT 2644 | PAPER NUMBER |
| DATE MAILED: 06/15/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,326

Applicant(s)

TAMAYAMA, RYUZO

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 6/6/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/6/2005 have been fully considered but they are not persuasive. The applicant asserts that 6A of the applicant's admitted prior art does not show a portable housing. The examiner disagrees, 3, the recording and reproducing main body, is portable. Portable is defined as capable of being moved. With respect to the broadest interpretation of the claim language, the examiner asserts that 3, reads on the portable feature. Regarding the applicant's assertion, on page 6, that prior art Gefvert simply showing a center speaker arranged in a housing but doesn't show a portable housing having left and right speakers separately attached. The examiner asserts, that the Gefvert reference was only used to show that the concept of a center speaker enclosed in some housing is well known. Additionally, the center speaker functions the same whether enclosed in a housing or not. The applicant's admitted prior art reads on the left and right speakers as claimed.

2. Applicant's arguments with respect to prior art Endoh the have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Watanabe.

3. Claim 1 was cancelled in a previous office action.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (Figures 6A,6B; Description of Related Art) in view of Gefvert (U.S. Patent 5,533,129) in view of Iwamura (U.S. Patent 6,473,135) in further view of Watanabe (U.S. Patent 6,167,140).

Regarding **claim 2**, the applicant's admitted prior art (Figures 6A,6B) discloses a multichannel acoustic signal reproducing apparatus comprising at least:

portable housing (3, Figure 6B; portable is defined as capable of being moved);

left and right speakers separately attached to the portable housing (Figures 6A, 6B);

recording and reproducing means arranged in the portable housing capable of recording and reproducing a recording medium (10, Figure 6B);

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surround decoding means arranged in the portable housing for decoding a multi-channel acoustic signal from the recording and reproducing means to produce surround phonic sound (14, Figure 6B);

control means for controlling the recording and reproducing means, the surround decoding means (Figure 6B).

The applicant's admitted prior art fails discloses a center speaker but fails to disclose that the center speaker is arranged in a portable housing. This concept was well known in the art as taught by Gefvert. Gefvert discloses a multi-channel sound reproduction system having a center speaker arranged in a housing with a left and right speaker. It would have been obvious to modify the applicant's admitted prior art to have the left, right and center speakers enclosed in one housing as taught by Gefvert in order to have a unitary construction allowing easy placement (column 4, lines 21-25).

The applicant's admitted prior art as modified by Gefvert teaches of a television receiver and teaches of six channels but fails to disclose a television having speakers and a first and second switching means as claimed.

The concept of a television receiver with left and right speakers was well known in the art as taught by Iwamura. Iwamura discloses that a television can have a speaker or speakers located internally or external to the television. It would have been obvious to one of ordinary skill in the art to modify the applicant's admitted prior art as modified by Gefvert to have the television receiver house two of

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the speaker channels as taught by Iwamura in order to produce high quality sound.

The applicant's admitted prior art as modified by Gefvert and Iwamura fails to disclose a first and second switching means as claimed. Switching means in order to switch between channels or outputs is well known in the art. Watanabe discloses a multichannel AV amplifier (Figures 1 and 2) with a first switching means (S11, S1, S3, S4, S12, S6, S8) and a second switching means (S9) having many arrangements (Figure 4). It indicates that a center, left and right channel ((S3, S4, S12) can be on at the same time as the surround speaker (S9). It is obvious to have a first and second switching means as taught by Watanabe in order to provide the capability of multichannel reproduction and selectively switching between speakers.

3. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (Figures 6A, 6B; Description of Related Art) in view of Gefvert (U.S. Patent 5,533,129) in view of Iwamura (U.S. Patent 6,473,135) in view of Watanabe (U.S. Patent 6,167,140) in further view of Endoh et al. (U.S. Patent 5,896,358).

Claim 3 claims the multi-channel acoustic signal reproducing apparatus of claim 2, wherein an output signal from the output means is transmitted to the target of the television receiver etc. having the main speakers by a wire consisting of one wire or wirelessly and the speakers of the multi-channel acoustic signal reproducing apparatus are used as rear speakers. The applicant's admitted prior art as modified by Gefvert, Iwamura and Watanabe fail to disclose

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transmitted to the television receiver having the main speakers by a wire of one wire or wirelessly and the speakers of the multichannel acoustic signal reproducing apparatus are used as rear speakers.

Endoh teaches of surround system and of speakers (8Ls and 8Rs), which are the back or rear speakers. Wireless transmission is well known as and such it would have been obvious to one of ordinary skill in the art at the time of the invention to use wireless transmission for the benefit of having a more compact system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEF



SINH TRAN
SUPERVISORY PATENT EXAMINER